



Minutes

Council Meeting

9 October 2019

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Baw Baw Shire Council
Council Meeting
9 October 2019
Minutes

Minutes of the Ordinary Meeting of the Baw Baw Shire Council held in the Council Chambers, Trafalgar Business Centre, commencing at 5.30pm on 9 October 2019.

Present

Cr J Gauci, Cr M Leaney, Cr M Power, Cr K Cook, Cr D Wallace, Cr D Goss, Cr P Kostos, and Cr J O'Donnell.

In Attendance

Ms A Leighton	Chief Executive Officer
Mr M Dupe	Director Corporate and Community Services
Mr C Van der Velde	Director Community Infrastructure
Ms Y Woods	Director Planning and Development
Mr M Hopley	Chief Information Officer
Mr M Kestigian	Executive Manager Communications and Economic Development
Mr P Harris	Manager Governance
Ms K Baum	Governance Coordinator
Ms D Foenander	Executive Assistant to Mayor and Councillors
Ms E Newbegin	Governance Officer

1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

Cr Power opened the meeting with recognition of the Traditional Owners. "I would like to begin by acknowledging the Traditional Owners of the land on which we are meeting, the Gunaikurnai People. I pay my respects to their Elders, past, present and emerging, and Elders of other communities who may be here today."

2. READING OF AFFIRMATION AND PRAYER

Cr Power read the Councillors affirmation, being, 'We now pause to reflect upon the solemn responsibilities conferred on us by the Parliament of Victoria through the *Local Government Act (1989)*.

We acknowledge that it is the responsibility of local government to ensure the peace, order and good governance of our Shire.

We are to be responsible and accountable to our community here in Baw Baw Shire through good governance and leadership.

Almighty God,

Give wisdom and understanding to the members of this Baw Baw Shire Council.

In all our deliberations help each of us to listen carefully, perceive the best course of action have courage to pursue it and grace to accomplish it.

Amen

3. APOLOGIES

Cr T Jones

Ms A Lisle Finance Manager

4. CIVIC CEREMONIES

Nil.

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

RECOMMENDATION
That the minutes of the Ordinary Council Meeting held on 25 September 2019 be confirmed.
COUNCIL MOTION
Moved: Cr J O'Donnell Seconded: Cr D Goss
CARRIED

6. COUNCILLORS DECLARATIONS OF INTEREST/CONFLICT OF INTEREST

Cr Goss declared a Conflict of Interest for Item 10.2 Tender *Recommendation Report: 2019036 – Upgrade of Drouin Recreation Reserve's Netball Courts* and the left the chamber at 6:45pm, returning at 6:50pm.

7. MEETING CLOSED TO THE PUBLIC: RELEASE OF INFORMATION TO THE PUBLIC

7.1 RELEASING OF COUNCIL MOTIONS IN CLOSED TO THE PUBLIC SESSION

Council held a Confidential Council meeting at 5:00pm on 9 October 2019 under section 89 (2) of the *Local Government Act 1989*, to consider a matter that is before VCAT and the information must remain confidential until the matter is determined by VCAT.

8. COMMUNITY PARTICIPATION TIME

8.1 QUESTIONS ON NOTICE

8.1.1 Response To Questions On Notice Submitted By Don Mclean Re: Community Survey

QUESTION 1.

Re Community Survey - following the consultants' report which stated "The most significant decline in 2019 was a five point drop on the measure of community decisions" – what actions have been taken since the release of the survey to improve the poor performance, in particular the result for the Central Ward where Councils' community decisions rated at only 39 points, down 8 points on the 2018 survey?

Council accepts the community feedback in relation to community decisions. Action plans are being implemented across the shire with the view to improvement across all wards. Further research and understanding of the feedback is being undertaken to understand how this can be improved across the board.

QUESTION 2.

Re Community Survey - following the consultants' report which stated in the individual service areas comparing importance and performance, worst performer is planning & building permits sitting at minus 28 - what actions have been taken since the release of the survey to improve the poor performance?

Council acknowledges that the Community Satisfaction Survey Results demonstrates a disparity between how important Planning and Building Permits are to the Community and how the Community feel Council has performed in this area. It is important to note that from a performance perspective over the first quarter of this financial year we have seen a (30%) improvement in the number of applications processed within the 60 day statutory timeframe.

Since the Community Satisfaction Survey Results were released Council has implemented the Better Approvals Process. The Better Approvals Process

provides business owners with a single point of contact who will liaise with all the teams inside Council to ensure businesses get expert advice and support the whole way through their permit approval process. A single application form streamlines the process for obtaining Planning, Local Law and Public Health permits to provide a better end to end experience for applicants. Although Council does not issue building permits its Building Services team provides regulatory guidance and advice to customers at all stages of development as well as playing an integral role in the newly implemented Better Approvals Process.

Another initiative council has implemented since the survey results published is the recruitment of a dedicated customer service planner. The customer service planner is the first point of contact for anyone seeking planning advice.

QUESTION 3.

Re Assembly Of Councillors - why are the agenda items listed not discussed in an open manner that the community can attend to be better informed?

I refer you to the answers I have provided previously to this question.

QUESTION 4.

Re Sporting Walk Of Fame Nomination - a search on website using these words produces 1797 results – why is there no result on requirements to lodge a nomination?

The Baw Baw Shire Sporting Walk of Fame historically has been run by a community committee and not by Council therefore the nomination process has not been managed by Council and made available on Council's website. Council will be considering this matter tonight and if Council resolves to assume responsibility for the coordination and management of the Sporting Walk of Fame, a *Sporting Walk of Fame Nomination Guide* which contains a brief history, list of inductees, guidelines for nominations and a nomination form will be made available on Council's website.

QUESTION 5.

RE PLANNING APPLICATION PLA0310/17 - in response to the developers stated willingness to resolve the matter, has Council considered if, before the appeal date, there can be an agreement (called a settlement) on the development proposal which may or may not involve the help of an impartial mediator, with the potential to save ratepayers substantial legal fees?

Council staff will attend a VCAT compulsory conference relating to the proposed subdivision at 60 Warragul-Korumburra road. The purpose of the VCAT compulsory conference is to allow all parties involved in the proceeding (i.e. Developer, objectors, council) to arrive at a settlement, if possible. The

VCAT act 1998 outlines in s83(4) that all parties to the proceeding must conduct discussions pertaining to the compulsory conference in private.

Yours faithfully

Alison Leighton
Chief Executive Officer

8.2 SUBMISSIONS

The following persons spoke on an item on the agenda.

Item	Name
11.1	Lee Richards
11.1	Murray Cook
11.1	Tessa Hooperbrugge
11.1	Janet McConville
11.1	Jackie Shearer
11.1	Margaret Oliver
11.1	Roy Lindsay (on behalf of Yarragon Lions)
11.1	Dr Cate Beasley-Smith read by Roy Lindsay
11.1	Roy Lindsay
11.1	Bella Smith
11.1	Michael Fozard (on behalf of Yarragon Business Association)
11.1	Bernard Rowley

9. PETITIONS

Nil Reports

PROCEDURAL MOTION

In accordance with section 17.1 of the *Baw Baw Shire Meeting Procedure Local Law*, Council resolved to change the order of the agenda to accommodate the large gallery in attendance to hear agenda item 11.1

The agenda was changed to the following order:

- Item 11.1 - Acquisition of Former Yarragon Primary School Site
- Item 10.1 – Baw Baw Shire Community Planning Framework and Service Options
- Item 10.2 – Tender Recommendation Report: 2019036 – Upgrade of Drouin Recreation Reserve’s Netball Courts
- Item 10.3 – Tender Recommendation Report: 2019037 - Panel Supply of Concreting Services
- Item 10.4 – Tender Recommendation Report for Upgrade of the Hallora Recreation Reserve Change Rooms
- Item 10.5 – Tender Recommendation Report for the Upgrade of the Buln Buln Recreation Reserve Change Rooms
- Item 11.2 – Western Park Recreation Reserve Committee of Management Review
- Item 11.3 – Recreation Reserve and Public Hall Maintenance Allocations 19/20
- Item 11.4 – Sporting Walk of Fame

Moved: Cr D Wallace
Seconded: Cr J Gauci

CARRIED

10. VIBRANT COMMUNITIES

10.1 BAW BAW SHIRE COMMUNITY PLANNING FRAMEWORK AND SERVICE OPTIONS

Community Policy Officer & Social Planner

Directorate: Planning Development

Ward: All

Appendix: 1 attachment

PURPOSE

To propose a Community Planning Framework and options available to Council for the delivery of the Community Planning Service in Baw Baw Shire, and seek Council's endorsement.

RECOMMENDATION

That Council

1. Endorses the Community Planning Framework as presented in Attachment 1 of this report;
2. Endorses Option 3 relating to the service delivery of the Community Planning Framework as outlined in Attachment 1; and
3. Receives an update on Council's Community Planning Service in 12 months.

COUNCIL MOTION

Moved: Cr Wallace

Seconded: Cr Leaney

CARRIED

KEY ISSUES

- On 19 June 2019, Councillors were briefed on community planning efforts in Baw Baw Shire between 2006 and 2016. Officers were directed to develop a Community Planning Framework with options available for Council to provide Community Planning Services and report back to Council.
- The proposed Community Planning Framework (Attachment 1) is to provide Community Planning Service for small towns and rural communities in Baw Baw Shire and do not include services to larger regional centres such as Warragul and Drouin as they benefit from other plans and strategies of Council and the State Government.
- Provision of the Community Planning Service to small townships and rural communities comply with Objective 1 of the Council Plan 2017-2021 (2017).

Community Planning Service options available for Council:

Attachment 1 outlines the following four options available to Council to provide Community Planning Service:

- Option 1: Support alternative community development project
- Option 2: Responsive to requests for engagement in Community Planning
- Option 3: Scaled Community Planning Service
- Option 4: Comprehensive Community Planning Service

Option 3 provides better community benefit to Options 1 and 2 while Option 4 could offer better service, however it requires further investigations into available funding opportunities and further detailed planning.

Therefore Option 3 is recommended as it would allow Council to provide additional support to two communities developing Community Plans while maintaining existing programs that are already being offered.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

This Community Planning Framework has been developed so the framework is able to be delivered under the existing budgetary and resourcing allowances while providing support to two additional communities.

Environmental Impact

No identified environmental impacts by this report.

Community Impact

Facilitating communities to develop their own community plans will:

- Enhance community participation
- Build capacity and improve decision making
- Empower communities, and
- Enable ownership and sustainability of programs.

The provision of a Community Planning Service does not impair the community's access to any other Council services. Nor does it advantage one community over another.

CONSULTATION

The following communities and internal departments have been consulted:

Communities consulted:

- Darnum
- Longwarry
- Rawson
- Tanjil Bren, and
- Yarragon

Internal departments consulted:

- Economic Development
- Infrastructure Delivery
- Strategic Planning and Community Planning
- Environmental Sustainability
- Emergency Management
- Recreation, and
- Facilities Management.

Consultation with communities focused on the status of actions of the existing community plan, the benefit of the plan contributing to change and communities' interest and commitment to future participation.

Internal discussions focused on the potential resource implications and support during the development of and implementing some of the identified actions in Community Plans.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This project assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

- Thriving town centres, rural and remote communities.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Community Planning Service will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

Nil

POLICY IMPACTS

Nil

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

**10.2 TENDER RECOMMENDATION REPORT: 2019036 - UPGRADE OF
DROUIN RECREATION RESERVE'S NETBALL COURTS**

Senior Project Engineer

Directorate: Community Infrastructure

Ward: West

Appendix: 1 attachment

Cr Goss declared a Conflict of Interest for Item 10.2 Tender Recommendation Report: 2019036 – Upgrade of Drouin Recreation Reserve's Netball Courts and the left the chamber at 6:45pm, returning at 6:50pm

PURPOSE

For Council to award a contract for Tender 2019036: Upgrade of Drouin Recreation Reserve's Netball Courts.

RECOMMENDATION

That Council:

1. Accept the alternate tender submitted by Ace Earthmoving Pty (ABN 30 798 913 221) for Tender No. 2019036: Upgrade of Drouin Recreation Reserve Netball Courts for the total sum of \$651,840.89 (excluding GST),
2. Allocate \$27,000 from the Hard Playing Surface Program to the Drouin Netball Court Upgrade Project, and
3. Delegate authority to the CEO to sign the contract documents after they have been prepared and execute the award of the contract.

COUNCIL MOTION

Moved: Cr J O'Donnell

Seconded: Cr K Cook

CARRIED

KEY ISSUES

- This is a lump sum tender which includes the supply of all labour, plant and materials to reconstruct and upgrade the existing four lower netball courts at Drouin Recreation Reserve to provide compliant runoff.
- Tenders were advertised on Tenderlink and closed Wednesday 21 August 2019. Five tenders were received.
- Tender submissions have been assessed in accordance with the evaluation criteria stated in the tender document (refer to attachment 'Tender Recommendation Report' for details).
- Ace Earthmoving Pty Ltd is the preferred tenderer for 2019036: Upgrade of Drouin Recreation Reserve Netball Courts.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Description – Upgrade of Drouin Recreation Reserve Netball Courts	Funds (ex. GST)
Sport and Recreation Victoria Funding Grant	\$600,000.00
Council Contribution	\$25,000.00
Additional Council Contribution from the Hard Playing Surface Program	\$27,000.00
Total Available Budget	\$652,000.00
Expenditure and Allocations to Date	
Preferred Tender by Ace Earthmoving Pty Ltd including \$106,548 of provisional items	\$651,840.89
Total	\$651,840.89

All tenders received were in excess of the allocated budget of \$625,000 inclusive of provisional items. Several provisional items have been removed from contract and only key provisional items remain. It is recommended to allocate \$27,000 from current financial year's Hard Playing Surface Program to fund the budget shortfall.

The remaining provisional items within in the contract includes items such as:

- Allowances for poor ground conditions,
- New player shelters, and
- Any additional works to ensure that the completed project and surrounds complement each other and may include the relocation of services, additional paving, seating, court access improvements and landscaping.

Following the completion of works, any remaining funds will be returned to the delivery of the Hard Playing Surface Program.

Environmental Impact

Contract specifications require the development and implementation of an Environmental Management Plan for all works. This plan includes operational controls and procedures to manage all identified impacts and environmental protection actions to be undertaken.

Community Impact

- The current lower level netball courts at the Drouin Recreation Reserve are undersized and do not meet the requirements set out by Netball Victoria
- The completion of this project will provide four additional compliant netball courts for the Drouin community and will address the issues presented by the current courts.

- The local user groups are excited to see this project delivered.

CONSULTATION

Extensive consultation has been undertaken with the netball clubs that utilise these courts. Alternate facilities are available if required so that summer netball activities may continue to operate.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Strategic Objective 1: *Vibrant Community*

- Quality community focused services, facilities and infrastructure to support a growing community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This project has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Council is obligated to comply with Section 186A of the *Local Government Act 1989* by considering and approving tenders where contract value is in excess of \$250,000 including GST.

POLICY IMPACTS

Baw Baw Shire has a Procurement Policy made in accordance with requirements of Section 186A of the *Local Government Act 1989*. Tender evaluation was carried out in accordance with this policy.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

**10.3 TENDER RECOMMENDATION REPORT: 2019037 - PANEL
SUPPLY OF CONCRETING SERVICES**

Senior Project Engineer

Directorate: Community Infrastructure

Ward: All

Appendix: 1 attachment

PURPOSE

Recommendation to award contracts for Tender 2019037: Panel Supply of Concreting Services within Baw Baw Shire.

RECOMMENDATION

That Council:

1. Accept the schedule of rates tenders for 2019037 submitted by:
 - a. Brown's Transport & Earthworks Pty Ltd (ABN 22 119 963 316),
 - b. Future Civil Group Pty Ltd (ABN 16 165 948 247);
 - c. Victorian Infrastructure Services Pty Ltd (ABN 34 618 155 927),
 - d. GBM Contractors (VIC) Pty Ltd (ABN 37 604 929 893), and
 - e. Contula Constructions Pty Ltd (ABN 97 081 378 967),
2. Delegate authority to the CEO to sign the contract documents and execute the contract, and
3. Delegate authority to the CEO to enter into contract extensions following an initial contract term of two years, in accordance with the conditions of contract.

COUNCIL MOTION

Moved: Cr J Gauci
Seconded: Cr D Wallace

CARRIED

KEY ISSUES

- This is a schedule of rates tender which includes the supply of labour, plant and materials to carry out various concreting and related works throughout the Baw Baw Shire.
- Multiple contractors are recommended to be awarded a contract who will then form a panel of suppliers.
- Tenders were advertised in the Warragul Gazette and Tenderlink and closed on Wednesday 21 August 2019. Seven tenders were received.
- Tender submissions were assessed in accordance with the evaluation criteria stated in the tender documents (refer to attachment 'Tender Recommendation Report for details).
- The following contractors have been evaluated and selected as the preferred suppliers with regards to value for money:

- Browns Transport & Earthworks Pty Ltd;
- Future Civil Group Pty Ltd
- Victorian Infrastructure Services Pty Ltd
- GBM Contractors (VIC) Pty Ltd; and
- Contula Constructions Pty Ltd

TRIPLE BOTTOM LINE IMPLICATIONS

Financial Impact

Council generally spends in the order of \$1,000,000 each year on programs that require concreting services, for the 2019/20 Capital Works Program this includes the:

- Kerb & Channel Renewal Program (\$150,000),
- Pram Crossing and DDA Upgrades (\$50,000),
- New Footpath Programs (\$572,000), and the
- Footpath Renewal Program (\$250,000).

By having a panel of suppliers with set rates the procurement process can be streamlined to improve the delivery of the capital works program. This will assist to complete all assigned works within the allocated timeframes and budgets. Packages of works will be issued to the successful tenderers based on their tendered rates and areas of expertise.

Environmental Impact

Contract specifications require the development and implementation of an Environmental Management Plan for all works. This plan includes operational controls and procedures to manage all identified impacts and environmental protection actions to be undertaken.

Community Impact

By having a panel of concrete suppliers, Council Officers will be able to better ensure that each contractor is fully aware of Council's and the community's expectations in relation to impacts caused by their works.

CONSULTATION

Each contractor is required to notify residents/ businesses by letter drop at least seven days prior to commencing work.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Strategic Objective 1: *Vibrant Communities*

- Quality community focused services, facilities and infrastructure to support a growing community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This project has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Council is obligated to comply with Section 186A of the *Local Government Act 1989*. This section of the Act sets out procurement requirements.

POLICY IMPACTS

Baw Baw Shire has a Procurement Policy made in accordance with requirements of Section 186A of the *Local Government Act 1989*. Tender evaluation was undertaken in accordance with this policy.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest under Section 80C of the *Local Government Act 1989*.

**10.4 TENDER RECOMMENDATION REPORT FOR THE UPGRADE OF
THE HALLORA RECREATION RESERVE CHANGE ROOMS**

Senior Project Engineer

Directorate: Community Infrastructure

Ward: West

Appendix: 1 attachment

PURPOSE

For Council to award a contract for Tender 2019044: Hallora Recreation Reserve Change Rooms Upgrade

RECOMMENDATION

That Council:

1. Accept the tender submitted by James G Morrison Pty (ABN 78 145 084 939) for Tender No. 2019044: Hallora Recreation Reserve Change Room Upgrades for the total sum of \$355,625.00 (excluding GST),
2. Delegate authority to the CEO to sign the contract documents after they have been prepared and execute the award of the contract.
3. Undertake consultation with the Hallora Recreation Reserve User Groups to determine which priority projects listed on the Masterplan are the highest priority and seek to complete the priority projects where practical, and
4. Seek approval from the Latrobe Valley Authority to vary the scope of works within the funding agreement to include items 14, 17, 19 and other items on the Hallora Recreation Reserve Masterplan as determined through community consultation.

COUNCIL MOTION

Moved: Cr P Kostos

Seconded: Cr K Cook

CARRIED

KEY ISSUES

- This is a lump sum tender which includes the supply of all labour, plant and materials to expand and upgrade the existing change rooms at the Hallora Recreation Reserve to provide female friendly facilities, umpire change rooms and improved storage.
- Tenders were advertised on Tenderlink and closed Wednesday 4 September 2019. Three tenders were received.

- Tenders submissions have been assessed in accordance with the evaluation criteria stated in the tender document (refer to attachment 'Tender Recommendation Report' for details).
- James G Morrison Pty Ltd is the recommended contractor for 2019044: Hallora Recreation Reserve Change Room Upgrades.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Description – Hallora Recreation Reserve Change Room Upgrades	Funds (ex. GST)
Latrobe Valley Authority Funding Grant (LVA)	\$292,500
AFL Victoria Grant	\$25,000
Council's Contribution	\$122,500
Total Available Budget	\$440,000
Proposed Expenditure and Allocations to Date	
Preferred Tender by James G Morrison Pty Ltd including \$32,640 of provisional items	\$355,625
Asbestos Audit	\$1,395
Allowance for Asbestos Removal	\$3,550
Masterplan Item 14: Extend roof netting on cricket nets to protect solar panels on pavilion roof	\$7,000
Masterplan Item 17: Demolish old toilet block	\$20,000
Masterplan Item 19: Install collapsible bollards to for a match day pedestrian hub	\$3,000
Other Masterplan items as agreed between the user group and Council to meet the minimum Council contribution to the project	Minimum \$24,430
Total	\$415,000
Potential Project Savings	\$25,000

The provisional sum within in the contract includes items such as:

- Poor ground conditions,
- Blinding concrete, and
- Any additional works to ensure that the completed project and surrounds complement each other. This may include additional paving, seating, oval access improvements and landscaping.

In order for Council to meet the obligations within the funding agreement and to obtain \$292,500 from LVA, a minimum total project spend of \$415,000 is required. This total spend can include the \$25,000 from AFL Victoria. The ratio of the funding agreement is 3 to 1 so Council's minimum contribution to this project would be \$97,500 to ensure the full allocation of LVA funding (i.e. \$292,500) is obtained.

The tender prices received are highly competitive and provide good value for money. However, if only the building works are completed at the site Council would be \$54,430 short of the minimum required total project cost for this site and would be required to return some funds to the LVA.

It is recommended that a project variation is lodged with the LVA to increase the scope of works to complete the following additional projects as outlined in the Hallora Recreation Masterplan, these items include:

- Item 14: Extend roof netting on cricket nets to protect solar panels on pavilion roof - \$7,000,
- Item 17: Demolish the existing toilet block - \$20,000,
- Item 19: Install collapsible bollards to create a match day pedestrian hub - \$3,000,
- Other high priority masterplan items as identified with the Hallora Recreation Reserve User Groups following community consultation.

Following the completion of works, any remaining funds would be provided back to consolidated revenue as savings.

Environmental Impact

Contract specifications require the development and implementation of an Environmental Management Plan for all works. This plan includes operational controls and procedures to manage all identified impacts and environmental protection actions to be undertaken.

Community Impact

- The completion of this project will provide two fully compliant female friendly change rooms, umpire change rooms and additional storage for the Hallora community and will address the issues presented by the current change rooms.
- The local user groups are excited to see this project delivered.

CONSULTATION

Extensive consultation has been undertaken with the Hallora Recreation Reserve user groups. Users during the cricket season will be impacted by the closure of the change rooms. The user group have chosen to utilise the existing social room amenities instead of requesting temporary change rooms.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Strategic Objective 1: *Vibrant Community*

- Quality community focused services, facilities and infrastructure to support a growing community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This project has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Council is obligated to comply with Section 186A of the *Local Government Act 1989* by considering and approving tenders where contract value is in excess of \$250,000 including GST.

POLICY IMPACTS

Baw Baw Shire has a Procurement Policy made in accordance with requirements of Section 186A of the *Local Government Act 1989*. Tender evaluation was carried out in accordance with this policy.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

**10.5 TENDER RECOMMENDATION REPORT FOR THE UPGRADE OF
THE BULN BULN RECREATION RESERVE CHANGE ROOMS**

Project and Design Engineer

Directorate: Community Infrastructure

Ward: East

Appendix: 1 attachment

PURPOSE

Recommendation to award a contract for Tender 2019041: Buln Buln Recreation Reserve Change Rooms Upgrade.

RECOMMENDATION

That Council:

1. Accept the tender submitted by Allchin Commercial Pty Ltd (ABN 36 632 479 102) for Tender No. 2019041: Buln Buln Recreation Reserve Change Room Upgrades for the total sum of \$389,524 (excluding GST),
2. Complete Masterplan item 15 (veranda works) to ensure Council's funding towards the project exceeds a minimum of \$95,000, and
3. Delegate authority to the CEO to sign the contract documents after they have been prepared and execute the award of the contract.

COUNCIL MOTION

Moved: Cr P Kostos

Seconded: Cr D Wallace

CARRIED

KEY ISSUES

- This is a lump sum tender which includes the supply of all labour, plant and materials to expand and upgrade the existing change rooms at the Buln Buln Recreation Reserve to provide female friendly facilities, umpire change rooms and improved storage.
- Tenders were advertised on Tenderlink and closed Wednesday 29 August 2019. One tender was received.
- Tenders submissions have been assessed in accordance with the evaluation criteria stated in the tender document (refer to attachment 'Tender Recommendation Report' for details).
- Allchin Commercial Pty Ltd is the preferred tenderer for 2019041: Buln Buln Recreation Reserve Change Room Upgrades.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Description – Buln Buln Recreation Reserve Changeroom Upgrades	Funds (ex. GST)
Project Funding	
Latrobe Valley Authority	\$285,000
AFL	\$25,000
Council Contribution	\$120,000
Total Available Budget	\$430,000
Expenditure and Allocations to Date	
Preferred Tender by Allchin Commercial Pty Ltd including \$40,000 of provisional items	\$389,524
Allowance for Asbestos Removal	\$5,000
Allowance for new Electrical Board	\$5,000
External minor wall repair works	\$8,000
Council's contribution to the potential veranda work	\$20,000
Estimated Final Project Budget	\$427,524
Potential project savings	\$2,476
Potential club contribution to the veranda works	\$25,000

The provisional sum within in the contract includes items such as:

- Timber Roof Rafter repair works in the change room areas, and
- Allowance for completing additional works to ensure that the completed project and surrounds complement each other.

In order for Council to meet the obligations within the funding agreement and to obtain the full \$285,000 from LVA, a minimum total project spend of \$405,000 is required. The ratio of the funding agreement is 3 to 1 and Council's minimum contribution to this project would be \$95,000 to ensure the full allocation of LVA funding (i.e. \$285,000) is obtained.

The tender price received is within budget and provides good value for money.

Following the completion of works, any remaining funds will be provided back to consolidated revenue as savings.

Environmental Impact

Contract specifications require the development and implementation of an Environmental Management Plan for all works. This plan includes operational controls and procedures to manage all identified impacts and environmental protection actions to be undertaken.

Community Impact

- The completion of this project will provide fully compliant female friendly change rooms and additional storage for the Buln Buln community and will address the issues presented by the current change rooms
- The local user groups are excited to see this project delivered

CONSULTATION

Extensive consultation has been undertaken with the Buln Buln Recreation Reserve user groups. Users during the cricket season will be impacted by the closure of the change rooms. The user group have agreed to utilise the existing social room amenities instead of requesting temporary change rooms.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The upgrade of the change rooms at the Buln Buln Recreation Reserve assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Community*

- Quality community focused services, facilities and infrastructure to support a growing community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This project has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Council is obligated to comply with Section 186A of the *Local Government Act 1989* by considering and approving tenders where contract value is in excess of \$250,000 including GST.

POLICY IMPACTS

Baw Baw Shire has a Procurement Policy made in accordance with requirements of Section 186A of the *Local Government Act 1989*. Tender evaluation was carried out in accordance with this policy.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

11. THRIVING ECONOMY

11.1 ACQUISITION OF FORMER YARRAGON PRIMARY SCHOOL SITE

Manager Governance

*Directorate: Corporate and Community
Services*

Ward: East

Appendix: 5 attachments

PURPOSE

For Council to determine if it wishes to acquire the former Yarragon Primary School site under the First Right of Refusal (FRoR) process with a restriction on Title for Community Use.

RECOMMENDATION

That Council;

1. Agrees to purchase the former Yarragon Primary School Site with a restriction on Title for Community Use at a price to be negotiated with the Valuer General, not exceeding the current offer dated 3 September 2019, with settlement within 180 days; and,
2. Authorises the Chief Executive Officer to sign the required documents to finalise the purchase; and,
3. Writes to the lead petitioner and the Yarragon & District Community Association of this decision; and,
4. Releases the purchase price to the public once the settlement is completed with the Valuer General.

COUNCIL MOTION

Moved: Cr P Kostos

Seconded: Cr D Wallace

CARRIED

KEY ISSUES

- The possible acquisition of the site known as the former Yarragon Primary School site, addressed as 3-5 Rollo Street, Yarragon has been the subject of Councillor and Community interest since 2015. In mid-2015 the State Government identified the site as not required and placed it on the surplus government land sales list.
- Information from the education department lists the site as 8,898m². The land itself currently comprises a mix of freehold and Crown Land. The Crown Land portion is the half which fronts Rollo Street. There are then three remaining parcels which are freehold one of these was a formerly a Road and traverses the middle of the property.

- The attached correspondence summary demonstrates a timeline showing the involvement of Council and Council officers in this matter.
- There are some risks and implications that Council needs to consider with this site:
 - The initial assessment on this matter deemed the site, to not be of strategic importance. It was not identified in strategic documents such as the Yarragon 2030, Yarragon Structure Plan 2010, Baw Baw Recreation Strategy 2017-2027, Settlement Management Strategy 2013 or the Open Space Strategy 2014 as being required. It is noted some of these reports pre-dated the relocation of the school to its new site.
 - The Community Hubs Action Plan part 2, adopted by Council on 10 July 2019, seeks '*to support community-led activation of the old Yarragon Primary School site*'. This report also provides funding for the community to determine uses of the site should it be retained in public ownership.
 - If purchased, Council will be required to expend funds on an initial and ongoing basis for infrastructure and maintenance of this land. These costs are not included in the Long Term Financial Strategy nor the Long Term Infrastructure Plan. These costs would be included in the Long Term Financial Strategy going forward should the purchase proceed.
 - If Council does not purchase the site under the FRoR (First Right of Refusal) process the site will be offered for public sale. It is likely this will include a residential zoning and subsequent development of this land.
- At its Meeting on Wednesday 9 December 2015 Council resolved to "Iodge a formal expression of interest under the First Right of Refusal process to purchase the former Yarragon Primary School site. This was reaffirmed at the Council Meetings of 24 May 2017, 14 February 2018 and 24 July 2019.
- The Minister for Planning advised Council "*that the Country Fire Authority (CFA) **has expressed interest in purchasing a portion of the site** [bold added] and is undertaking further due diligence regarding its suitability.*" The Acting Manager CFA Property Services confirmed in writing on 25 January 2018 that the CFA would be 'very interested' in use of 2,500 to 3,000m² of this site within a 3 to 5 year timeframe.
- Officers have been working with the Victorian School Building Authority and Department of Treasury to come to an agreed price for the property to be purchased under the First Right of Refusal process.
- Council has received three independently certified valuations for the property. Council's valuations have remained significantly below the valuations obtained by the Valuer Generals Office.
- On 16 May 2018 Council received an offer from DTF under the First Right of Refusal process. As this offer was significantly higher than

Council's two valuations, officers requested a valuers conference to be held.

- A valuers meeting was held in February 2019. At this meeting it was discovered that a directly comparable property sale in Yarragon was not used as sales evidence by the Valuer General's valuer. The Valuer General did not review its valuation in light of this discovery.
- DTF have not provided Council with any detailed evidence of its valuations. Council officers have made repeated requests for the certified valuations. None of these requests have resulted in the delivery of the requested information. This has impacted Council's consideration of this matter in assessing the basis for the VG price.
- Council submitted an offer along with a full copy of its certified valuation (dated 16 July 2019) to the Department of Treasury and Finance for the Valuer General to review on 29 July 2019. DTF then updated their own valuation and responded on 3 September 2019 with the current increased offer to Council.
- With there being reasons for and against the acquisition of this site the following assessment is provided;

Criteria		Purchase	Not Purchase
Community Benefit (potential future use for desired community outcomes)	Short Term	✓	
	Long Term	✓	
Opportunity Cost to Purchase (use of public funds on this purchase will require some changes to the current infrastructure and financial strategy)	Short Term		✓
	Long Term	✓	
Opportunity Cost of Not Purchasing (use of public funds on other projects is not impacted if this purchase is undertaken. No change required to current programs)	Short Term		✓
	Long Term		✓
Value for Money (the benefit of expenditure outlay understood in current and future community outcomes)		Inconclusive	
Highest and Best Use (The best use of the land. Is there a clear use in mind for the purchase of this site?)			✓
Funds Available (Does Council have funds available for this purchase)		✓	

- The potential acquisition is now at a point for Council to determine a final position on this issue. On balance, and having considered the long term benefits, community interest and potential future uses in acquiring the

property, officers are recommending the purchase of the former Yarragon Primary School site.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- There are no allocated funds in the 2019/20 adopted budget for this property acquisition.
- As Council would be acquiring this site as a reserve, funds from its Statutory Land Sales or other suitable reserves or funding mechanisms can be used for the purchase.
- Currently the statutory reserve has a balance of \$713,000 which would be sufficient to cover this acquisition. There is an additional \$268,000 in the land sales discretionary reserve, making a total of \$981,000 in the land sales reserves.
- If Council acquires this property ongoing financial commitments for maintenance and improvements will need to be budgeted in future years.
- Council can acquire the property for community purposes and have a restrictive Crown Grant placed on Title. If at any time in the future Council were to sell the property an equivalent percentage of the proceeds would be payable back to the Department of Treasury and Finance.
- It should be noted that if Council undertakes this purchase, from a financial perspective, there is an opportunity cost to other land acquisitions and projects. The risks are as follows:
 - The amount of funds available for other purchases of land from this Reserve are reduced by the amount of the purchase. This will impact the flexibility for Council in considering options for land acquisition for other strategic sites in the future. In a rate capped environment and with residential growth forecast for the next decade, it is imperative significant land acquisitions are acquired to deliver identified and desired community outcomes. Over the longer term there are likely to be financial challenges in acquiring land to meet community expectations.
 - Council has been considering options for Community Hub spaces in locations across the shire. The land sales reserve is a potential source of funds for other identified land acquisitions in the Shire. Land sales are not an area of expenditure that are likely to attract grant funding from other levels of government. Accordingly, purchases will be funded from reserves and/or borrowings and at the opportunity cost of other land acquisitions or major capital works.
 - There are other known acquisitions such as Lot 101 Cromie Drive, Tarwin/Sutton/Pharoah's Intersection, Hazeldean Road Drainage projects and the Warragul Civic Precinct Development which all require Council funding in the future. This purchase may

reduce/delay the capacity to make these purchases or require the delay of other capital works.

- There is no clear plan for the required works or outcomes to be achieved from the purchase of this site. There is an inherent community expectation that this site will be developed over time to provide community benefit. There are no financial costings available for the capital and ongoing works that will be required for this site into the future. There are a number of potential uses that may be suitable, however, none of these have been adopted, prioritised or costed at this point in time.

Environmental Impact

Acquisition of this site and creation of useable public open space will have a positive environmental benefit to the community.

Community Impact

- The community have been very clear in the desire for this site to be retained in public ownership and used for open space and community hub purposes.
- Two petitions were tabled at the 25 September Council Meeting calling for Council to purchase the site on behalf of the community so that it can be retained for community use. The petitions had 584 and 244 signatories.

CONSULTATION

- Council conducted a 'Have Your Say' consultation from the 5 December 2017 – 12 January 2018 to gather information about respondent's preferred uses for the site. The number of responses (104) was thought to be sufficient to represent community views.
- The results of an independent community consultation that was being carried out by the Yarragon community (as part of a broader survey to inform the development of a Community Plan, i.e Yarragon 2030) included a further 96 respondents (although there may be some overlap).
- The 'Have Your Say' consultation showed:
 - Almost 90% of respondents were residents of Yarragon.
 - Almost 90% of respondents wanted to be kept informed about progress and outcomes of the former Yarragon Primary School Site.
 - Almost 98% of respondents supported Council's investment in retaining the former Yarragon Primary School Site.
- A meeting with the community was hosted by Gary Blackwood MP on June 24, 2019. A further meeting was held between officers and

representatives from the Yarragon & District Community Association on 12 September 2019.

- Member for Eastern Victoria, Harriet Shing also engaged with the local community, individuals and organisations to discuss the potential for some beneficial community uses that may be complimentary to CFA activities and facilities.
- Officers have engaged with representatives from interest groups within Yarragon. During these consultations officers have provided the interest groups with requested information.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This report assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

- Quality community focused services, facilities and infrastructure to support a growing community.

Strategic Objective 4: *Organisational Excellence*

- Providing community benefit by effectively managing council's resources and finances.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This report has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

- Under section 5(2)(d) of the *Local Government Act 1989*, Council is able to acquire, hold, deal with or dispose of property (including land) for the purpose of performing its functions and exercising its powers.
- Normal requirements for a Contract of Sale and Transfer of Land documents will apply. These will need to be executed under delegation by the Chief Executive Officer.

POLICY IMPACTS

- Consideration of this property acquisition is consistent with Council's Property Policy.
- At all times during this protracted process Council Officers have acted in accordance with established Council processes and policies. Councillors have been formally, and informally briefed, at each stage of this process. No officers have a conflict or interest in future purchase, or non purchase, of this site.

- Any State Government Sales follow the *Victorian Government Landholding Policy and Guidelines* and the *Government land use policy and guidelines*.
- The site does not appear to be required for any specific strategic purpose. The final report from Yarragon 2030 states '*Little desire was demonstrated by residents for passive recreational activities*' (page 3). The report also notes that Yarragon is well provided for with a range of recreation and sporting facilities.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

SUSPENSION OF STANDING ORDERS AT 6:35PM	
Moved:	Cr D Wallace
Seconded:	Cr M Leaney
CARRIED	

RESUMPTION OF STANDING ORDERS AT 6:42PM	
Moved:	Cr D Wallace
Seconded:	Cr M Leaney
CARRIED	

**11.2 WESTERN PARK RECREATION RESERVE COMMITTEE OF
MANAGEMENT REVIEW**

Recreation Officer

Directorate: Community Infrastructure

Ward: Central

Appendix: 1 attachment

PURPOSE

For Council to consider the management of the Western Park Recreation Reserve following conclusion of a 12-month trial Council management period.

RECOMMENDATION

That Council

1. Formally rescinds the Section 86 Western Park Recreation Reserve CoM and assumes ongoing management of the Western Park Recreation Reserve.
2. Formally acknowledges the services provided by the Western Park Recreation Reserve Committee of Management (CoM) committee members and thanks each of them for their commitment to the management of Western Park and contribution to the wider Baw Baw community.
3. Thanks the Western Park Recreation Reserve user groups for their involvement during the trial period and their feedback on the management model for the reserve moving forward.

COUNCIL MOTION

Moved: Cr D Goss

Seconded: Cr J Gauci

CARRIED

KEY ISSUES

Background

- At the 24 October 2018 Council Meeting, Council resolved to disband the Western Park Recreation Reserve CoM and assume management of the reserve for a 12 -month trial period. See attachment one – Council Meeting Minutes 24 October.
- The fourth point of Council's resolution at the 24 October 2018 Council meeting as shown in attachment one was that Council:
 - Receives a report in September 2019 detailing the outcomes of the 12-month trial period and to consider options for the future management arrangements at Western Park Recreation Reserve, including but not limited to:

- Establishing a new CoM at the Reserve, or to
- Formally rescind the CoM with Council accepting ongoing management at the Reserve.
- Council officers have been managing the reserve directly via quarterly user group meetings.
- A site management plan has successfully been implemented with user groups. This is an operational document that is updated each meeting.
- Attendance by user group representatives at the meetings has been good and feedback regarding Council managing the reserve directly has been positive. Council officers have seen greater communication between clubs.
- At the 13 August 2019 user group meeting all user groups were present and all representatives reported that they would prefer that Council:
 - Formally rescind the CoM with Council accepting ongoing management at the Reserve.

Key Issues

- Maintenance Allocation - \$6,721 is the proposed allocation for the Western Park Recreation Reserve for maintenance for the 2019/20 financial year. It is recommended that this maintenance allocation be retained by Council and that clubs report maintenance items directly to Council. A status report and update on the allocation including what has been spent and what is remaining would be discussed at each quarterly user group meeting. This process has been received well by user groups over the past 12 months.
- Other Committees of Management may request Council to rescind their committee of management and for Council to assume management. This could have resource implications for Council and further discussion and resource (people and equipment) planning would be required.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Council is already responsible for all grass maintenance at the reserve. Clubs at Western Park will continue to pay a fee for grass maintenance to Council under Council's Pricing Policy.
- All other fees and charges (utilities and waste management) will be managed through Council's operational site management plan which identifies various user group responsibility and forms part of the quarterly user group meetings.
- As per the key issues section of the report it is recommended that the maintenance allocation for Western Park Recreation Reserve be retained by Council and managed by officers in consultation with clubs.

Environmental Impact

- There is no environmental impact.

Community Impact

- The community may perceive that without a Section 86 CoM they would lose their 'voice' if Council was to take on management of a reserve.
- However, the management process and system implemented by Council to manage the reserve during the 12-month trial period has been successful with positive feedback from user groups.
- It allows for clubs and volunteers to focus more on their sports, club operations and management in turn fostering participation and social outcomes rather than venue management.

CONSULTATION

- The user groups at Western Park have been advised that a report has been prepared for Council consideration. They will be informed of the date of the Council meeting and will be able to talk to the report if they wish too.
- Council officers will continue to hold quarterly user groups meetings at the reserve to ensure good governance and management of the venue.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The review of management at the Western Park Recreation Reserve assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

- A vibrant, healthy and inclusive community.
 - Plan, manage and enhance opportunities for sport, recreation and leisure by developing new plans for growth and infrastructure and delivery of Master Plans
- Quality community focused services, facilities and infrastructure to support a growing community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

The review of management at the Western Park Recreation Reserve will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

All Western Park clubs have tenancy agreements in place. Council officers will work with clubs to ensure they are kept up to date.

POLICY IMPACTS

Baw Baw Recreation Strategy 2017-27

- Rescinding the CoM is in line with Action M7 of this strategy;
 - Move toward the management review recommendations for the future management of recreation reserves across the Shire. That is:
 - continue with Committees of Management in rural and remote communities, but undertake regular risk analyses and provide additional assistance
 - Council continue undertaking the bulk of maintenance at reserves in larger town centres, with the relevant tenancy agreements in place.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

**11.3 RECREATION RESERVE AND PUBLIC HALL MAINTENANCE
ALLOCATIONS 19/20**

Student Recreation Officer

Directorate: Community Infrastructure

Ward: All

Appendix: 3 attachments

PURPOSE

For Council to consider the distribution of the 2019/20 maintenance allocations for public hall and recreation reserves and commence a stakeholder engagement process to seek stakeholder feedback on the review of the maintenance allocation program.

RECOMMENDATION

That Council:

1. Adopts the 2019/20 maintenance allocations as per Attachment 1 – Public Hall Maintenance Allocations and Attachment 2 – Reserve Maintenance Allocations of this report.
2. Authorises Council officers to commence the distribution of the 2019/20 maintenance allocation funds to the relevant committees of management and user groups.
3. Endorses the stakeholder engagement plan as per Attachment 3 of this report and commences a stakeholder engagement process to consult and obtain feedback on the review of the maintenance allocation program including the proposed Reserve Maintenance Allocation Matrix 2020/21.
4. Receives a report by March 2020 detailing the outcomes of the stakeholder engagement process.

COUNCIL MOTION

Moved: Cr J O'Donnell

Seconded: Cr M Leaney

CARRIED

KEY ISSUES

Background

- Council makes an annual financial allocation to public hall and recreation reserve committees and/or groups as a contribution towards maintenance of these community facilities. In 2018/19 a budget of \$249,205 was allocated and distributed. As part of the 2019/20 Council Budget, \$260,000 has been allocated for distribution.
- A small percentage increase has historically been applied each year. The proposed increase for 2019/20 is consistent with other years at 3%.

- Historically halls have been allocated the same amount with the exception of Drouin South and Trafalgar East Public Halls which have historically received a lower allocation due to lower usage.
- Attachment 1 is the proposed Hall Maintenance Allocations for 2019/20.
- For reserves the allocation considers the category, management arrangement, ground maintenance responsibility and usage at the reserve.
- Attachment 2 is the proposed Reserve Maintenance Allocations for 2019/20.
- The annual allocations are historically given to manage grass maintenance at facilities and where possible any other minor maintenance requirements (for example, replacement of a door handle) as outlined in the Good Practice Guide and user group tenancy agreements.
- Committees are invited annually to submit an application to Council. This includes the receipt of an annual financial return and current bank statement in order to be paid their annual maintenance allocation.
- Committees are able to retain and save unspent funds to be used towards identified minor works projects. Committees must state their intention to retain any excess funds in the maintenance allocation application and provide relevant justification and reasoning.
- More significant or major works over and above what would be deemed as general maintenance, for example structural building works, are not what these maintenance allocations are intended for. More significant works are considered capital items and would be addressed through Council's annual capital works program and budgets. More often these larger significant works have been identified on a masterplan.
- Other standalone recreation facilities, for example, lawn bowls or croquet greens do not receive a maintenance allocation. These clubs are standalone and have exclusive access to their venue. They are generally fenced off and not available for public access like a football oval or soccer pitch.
- Sports such as gymnastics and badminton that operate at indoor facilities that Council directly manages have not been included. As these facilities are directly managed by Council, operating budget is used to accommodate maintenance requests direct from clubs in line with their tenancy agreement.
- Recreation reserves that Council directly manages such as Eastern Park, Logan Park, Burke Street Park in Warragul and the Drouin

Recreation Reserve have also not been included as Council maintains these facilities and Clubs liaise directly with Council through maintenance requests and existing operating budget is utilised.

- Officers have conducted a review of the maintenance allocation program with the aim of improving the process and developing a consistent, equitable and transparent framework for allocating the annual Council funding for maintenance.
- This review benchmarked the current maintenance allocation model against other Councils in the state, reviewed the average spent over the past 2-3 years on building maintenance at Council managed venues, reviewed Council managed reserves, developed a proposed Recreation Reserve Maintenance Allocation Matrix, and created a Stakeholder Engagement Plan.
- The review proposes potential changes to the maintenance allocation program. Attachment 3, the Stakeholder Engagement Plan has been created to seek feedback from allocation recipients on the review and proposed framework. The stakeholder engagement plan timeline is tailored towards seeking feedback for Council's consideration prior to the development of the 2020/21 Council budget.

Key Issues

Trafalgar Recreation Precinct

- The Trafalgar Recreation Reserve CoM was rescinded by Council on 27 September 2017. The reserve is now managed directly by Council with the football and cricket club undertaking maintenance on the Crown land portion of the reserve including the oval and surrounds. Due to the clubs undertaking this maintenance, Council does not charge the football or cricket clubs any fee for use of the venue. Under Council's Pricing Policy the organisation undertaking the maintenance of a venue (being either Council or a Committee of Management) receives the fees identified in the policy to assist with offsetting that maintenance cost. In the case of Trafalgar Recreation Reserve and the Crown portion of the land this would result in the football and cricket clubs charging themselves for the maintenance.
- Council maintains the soccer facilities located on the Council owned portion of land at the reserve and charges the soccer clubs and external casual hirers under the pricing policy. The Council portion of land does not receive an annual maintenance allocation as maintenance is carried out by Council utilising various operating budgets.
- The Crown portion of land that the football and cricket clubs maintain does receive an allocation, this allocation is retained by Council in the

absence of a formal committee of management and managed in consultation with the cricket and football clubs.

- To ensure transparency amongst user groups an update of the status of the allocation is tabled at the quarterly user group meetings, where user groups can also raise any maintenance requests.

Western Park Recreation Reserve

- The Western Park Recreation Reserve CoM is currently in a disbanded state after the committee was unable to fill committee positions at the August 2018 AGM. It is recommended that Council retains the allocation for this reserve and works with clubs to fund minor maintenance as needed.
- A report for Council on the future management of this committee will be considered by Council at the 9 October Council Meeting

Baxter Park Reserve

- This reserve has historically been managed by the Warragul United Soccer Club. There is currently no formal lease arrangement in place between Council and the Club.
- Council officers have worked with the Warragul United Soccer Club on possible management options and re-establishing a lease arrangement. This is subject to the outcomes of the proposed synthetic pitch development at the site.
- In the absence of a formalised management agreement Council has been undertaking some elements of the pitch maintenance including grass mowing and monitoring irrigation in consultation and partnership with the club. Other elements such as mowing surrounding grass, paying of utilities and irrigation costs are currently a club responsibility until the tenancy situation is resolved.

Proposed Recreation Reserve Maintenance Allocation Matrix 2020/2021

- The proposed Recreation Reserve Maintenance Allocation Matrix 2020/2021 has been created to improve consistency, equity and transparency for the allocation program.
- The matrix aims to consider the number and type of physical assets at each facility, plus the intangible values of a reserve and the maintenance required to effectively manage a reserve.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- The adopted budget for the 2019/20 maintenance allocations is \$260,000.
- Attachments 1 and 2 show the proposed distributions of these funds. The proposed distribution identifies an increase to the budget of \$1,526 for the public hall allocations. This increase results in a total proposed allocation budget of \$261,526 for 2019/2020. The increase is due to the standardisation of all funds allocated to public halls. Attachment 1 shows the increase in funding for Drouin South and Trafalgar East public halls, these halls historically received lower funding due to lower use.
- For halls and reserves to receive their annual allocation, committees must submit an online application to Council, including their annual financial return from the previous year and a current bank statement.
- The proposed Recreation Reserve Maintenance Allocation Matrix for 2020/21, currently suggests additional funding is required to sufficiently maintain recreation reserve facilities.
- In order to enable Council to make an informed decision on the level of funding allocated to the maintenance program in future budgets, further community feedback is required. The community engagement plan will enable the volunteer committees who manage and maintain recreation reserves on behalf of Council to provide valuable feedback on the proposed matrix and maintenance allocation program.

Environmental Impact

There is no environmental impact.

Community Impact

- The maintenance allocations enable local community, committees and groups to undertake basic maintenance on the community facilities that they manage, building local ownership and civic pride.
- Committees play a vital role in the maintenance and operation of their respective recreation reserves and halls, utilising volunteer assistance in doing so. This is an appropriate management model for Council, however it is heavily reliant on volunteers and ensuring good governance.
- Seeking community and volunteer feedback on any proposed changes to the maintenance allocation program, including the potential introduction of the proposed Recreation Reserve Maintenance Allocation Matrix is a vital element in the review process.

CONSULTATION

- This review benchmarked the current maintenance allocation model against other councils in the state. Council received 7 responses from other Council's through the benchmarking exercise.
- The review also involved seeking cross department feedback from Council's Sports Field and Facilities maintenance teams.
- The Community Engagement Plan (attachment 3) has been developed to enable an effective consultation process to be delivered seeking further feedback from relevant volunteer Committees and User groups.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The maintenance allocation program for public hall and reserves assists with the achievement of the key strategic objective as set out in the Council Plan 2017-21:

Strategic Objective 1: *Vibrant Communities*

- Quality community focused services, facilities and infrastructure to support a growing community.
- A vibrant, healthy and inclusive community.
- Plan, manage and enhance opportunities for sport, recreation and leisure by developing new plans for growth and infrastructure and delivery of Master Plans.
- Thriving town centres, rural and remote communities

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This recreation reserve and hall maintenance allocations will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

Both Council and Crown Committees of Management are appointed under the relevant Acts and are provided with Good Practice Guidelines which cover items such as risk management, procurement, conflicts of interest, reporting requirements and where approvals are necessary.

POLICY IMPACTS

- "Planning for and providing facilities for the local community" is listed as a core role/responsibility of Council in the *Local Government Act 1989*.
- Maintenance allocations allow Council's Section 86 committees to undertake maintenance of facilities on behalf of Council. Maintenance allocations enable Crown managed facilities to undertake maintenance through income that is not available from Department of Environment, Land, Water and Planning (DELWP).

- The Recreation Strategy 2017 – 2027 recommends Council maintains the current level of maintenance allocations and continues to review them annually

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

11.4 SPORTING WALK OF FAME PROCESS REVIEW

Recreation Officer

Directorate: Community Infrastructure

Ward: All

Appendix: 3 attachments

PURPOSE

To review the current process of receiving, reviewing and processing nominations for an individual's inclusion into the Baw Baw Shire Sporting Walk of Fame and provide options regarding that process moving forward.

RECOMMENDATION

That Council:

1. Resolves that future nominations to the Baw Baw Shire Sporting Walk of Fame are considered and decided upon by Council, generally in accordance with the Baw Baw Shire Sporting Walk Guidelines, as per Attachment 3 of this report.
2. Inducts Michael Keane into the Baw Baw Shire Sporting Walk of Fame.

COUNCIL MOTION

Moved: Cr P Kostos

Seconded: Cr D Goss

CARRIED

KEY ISSUES

Background

The Baw Baw Shire Sporting Walk of Fame (Sporting Walk of Fame) is located in Civic Park Warragul.

The Sporting Walk of Fame concept evolved in 1999, when a Community Committee, known as the trustees, was set up by the then Baw Baw Shire Recreation Officer, the late Mike Goyne. The objective was to look at ways and means of making the Sydney 2000 Olympic Torch Relay overnight stop in the Shire on 9 August a significant event.

Members of the committee were interested in having some form of ongoing recognition for the Shire's champion sports men and women and as such a series of guidelines for reviewing nomination were created.

Council inducted five individuals into the Sporting Walk of Fame in 2000. These were Kathy Watt, Lionel Rose, Gary Ablett (Senior), Peter Bartels and Tim Forsyth.

After this original round of inductions, public nominations were sought by the committee and reviewed, with a celebration to induct successful nominees on the anniversary of the Olympic torch visit, the 9th of August.

There were no successful nominations in 2001 and 2002.

In 2003 Council inducted Barry Round, Gary Ayres, Michael Scandolera and Mark Ridgeway into the Sporting Walk of Fame.

As part of the local celebrations for the 2006 Melbourne Commonwealth Games an additional four athletes were inducted; they were Peter Knights, Jodi Quinlan, Jason Bright and Alan Noonan.

In 2007 Marisa Yeaman, Harley Watts, Paul Maisey and Les Griggs (posthumously) were celebrated. This was the last round of public inductions organised by the committee.

Since 2008 only one further individual has been inducted into the Sporting Walk of Fame. This individual was Jayden Warn who was inducted as result of a petition presented to Council in 2017.

For each athlete inducted into the Sporting Walk of Fame, Council installs a commemorative plaque (see attachment "Plaque Examples" for images).

Guidelines

To ensure that only the most deserving athletes were inducted into the Sporting Walk of Fame the committee developed the following guidelines to review nominations:

- Athletes awards are for significant and sustained performance at a very high level in open competition.
- Athletes performances will usually be at a national or international level in unrestricted competition in sports of significance.
- Performances in team activity must be able to indicate that the performance or performances of the inductee were significant rather than merely as a member of a high-level team.
- In special cases, a successful state level athlete may warrant the inclusion of a person where the performance was of significance.
- Performances in areas of a limited field of endeavor will generally be given careful consideration before being included in awards.
- Inductees are generally expected to be of good character.
- Residential qualifications are flexible. However, an individual who wins this prestigious award will generally be a person who is identified with the Shire and usually one who started on the path of sporting success whilst a Shire resident.

Issues

Currently there is no committee to receive, review and process nominations. A review of Council records has been unable to determine as when or why the committee disbanded.

In the absence of a committee panel to review these nominations, there have been no further inductions into the Sporting Walk of Fame.

In 2017 there was a letter to the editor printed in the Warragul Gazette calling for AFL footballer, Robert Murphy, to be inducted into the Walk of Fame. On the 27 June 2019 an enquiry as to why Robert Murphy does not have a

plaque on the Sporting Walk of Fame was received via CRM. Officers provided the customer with information regarding the current status of the Walk of Fame and that a report reviewing the nomination process was underway. As no formal nomination has been made, a nomination report has not been provided for this athlete.

At the opening of "The Judo Factory" in Drouin a member of the public discussed the potential consideration for induction of Michael Keane with Councillors who were in attendance. The member of the public was encouraged to put forward a nomination.

On 20 April 2018 Council received a formal nomination for Michael Keane to be inducted. Officers have since contacted the nominator to obtain further background of the nominee (see attachment "Nomination Report – Michael Keane"), to investigate if the achievements met the original guidelines for induction. However, without a formal process in place to review this nomination or committee of trustees, no induction or recommendation for induction has taken place.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Should Council wish to hold an induction ceremony, the cost per inductee, based off the 2017 Jayden Warn induction ceremony would be as follows:

- Inductees Plaque - \$1,200 per plaque
- Concreting Works - \$400 per plaque
- Catering - \$250
- Currently there is no budget allocation for future inductions

The administrative tasks relating to a nomination would be included in existing staffing operational roles and would not require additional budget.

Environmental Impact

There is no environmental impact.

Community Impact

Providing the Baw Baw community with the opportunity to nominate and be inducted into the Sporting Walk of Fame provides individuals with recognition of years' worth of effort and dedication to their chosen sport. Given the important role local sporting clubs and teams play in the physical and mental wellbeing of an individual, providing a public ceremony and plaque may serve to boost the profile of that nominee's sport, which in turn may provide aspiring athletes with examples of dedication and sporting excellence, giving them something to aspire to achieve for themselves. These positive examples and local role models may lead to an increase in community engagement through sporting participation numbers and mentor programs.

CONSULTATION

No community consultation has been completed as part of this review, however should Council wish to reestablish a community committee to serve as a trustee panel further consultation would be recommended.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This Sporting Walk of Fame process review assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Community Life*

- A vibrant, healthy and inclusive community

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Sporting Walk of Fame process review has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

There is no legal impact.

POLICY IMPACTS

There is no policy impact.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

OPTIONS FOR CONSIDERATION

Option 1

Create a new procedure to receive, review and process nominations with Council acting as the Community Committee, this would include;

- A Sporting Walk of Fame section is created on the Baw Baw Shire Council webpage along with nomination forms and guideline information, retaining the original guidelines for consistency.
- When nominations are received, information is gathered by officers, with nomination reports provided to Council annually, including an induction recommendation.
- Council replaces the community committee and decides if the nominees are to be inducted.
- Celebrations are held with successful nominees invited to attend the ceremony and to be inducted in to the Baw Baw Shire Sporting Walk of Fame.

Option 2

Work to re-establish a community representative committee as per the previous trustee model.

Option 3

Formally close the Sporting Walk of Fame to any future inductees.

Option 4

Council consider an alternative recommendation.

RECOMMENDATION

That Council:

1. Resolves that future nominations to the Baw Baw Shire Sporting Walk of Fame are considered and decided upon by Council, generally in accordance with the Baw Baw Shire Sporting Walk Guidelines, as per Attachment 3 of this report.
2. Inducts Michael Keane into the Baw Baw Shire Sporting Walk of Fame.

To support the management and administration of nominations for the Sporting Walk of Fame received from the community the following process for receiving, reviewing and processing nominations is proposed.

- A Sporting Walk of Fame section is created on the Baw Baw Shire Council webpage along with nomination forms and guideline information, retaining the original guidelines for consistency.
- When nominations are received, information is gathered by officers, with nomination reports provided to Council annually, including an induction recommendation.
- Council replaces the community committee and decides if the nominees are to be inducted.
- Celebrations are held with successful nominees invited to attend the ceremony and to be inducted in to the Baw Baw Shire Sporting Walk of Fame.

12. SAFE AND SUSTAINABLE ENVIRONMENTS

Nil Reports

13. ORGANISATIONAL EXCELLENCE

Nil Reports

14. NOTICES OF MOTION

Nil Reports

15. COMMITTEE AND DELEGATES REPORTS

Cr Cook	Cr Cook attended the Regional Library Corporation Board Meeting where they discussed the update on the Library Video.
Cr Kostos	Cr Kostos attended the Environmental Advisory Committee on the 8 th October where they discussed the possible future need for charging stations for electric vehicles.

16. ASSEMBLY OF COUNCILLORS

16.1 ASSEMBLY OF COUNCILLORS REPORT

Governance Officer

*Directorate: Corporate and Community
Services*

Ward: All

Appendix: 4 attachments

PURPOSE

To present the written records of Assemblies of Councillors that have occurred.

RECOMMENDATION

That Council receives and notes the Assembly of Councillors records tabled for the period from Friday 13 September to Friday 27 September 2019.

COUNCIL MOTION

Moved: Cr M Leaney

Seconded: Cr K Cook

CARRIED

KEY POINTS/ISSUES

The *Local Government Act 1989* requires that the written record of an Assembly of Councillors be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated into the minutes of that meeting.

17. MAYORAL MINUTE

Nil

18. GENERAL BUSINESS

18.1 General Business Motion

Submitted by Councillor Danny Goss

RECOMMENDATION

That Council:

1. receive a report on the significant financial impost on ratepayers who are running genuine primary production business within the Urban Growth Zone. The report is to review the aims of the policy and the financial impacts of changes to the urban growth zone differential rate and for a report to be presented to Council in February 2020 for public consultation in considering the 2020/21 Budget.

COUNCIL MOTION

Moved: Cr D Goss
Seconded: Cr J Gauci

CARRIED

18.2 Condolence Motion

Submitted by Councillor Darren Wallace

CONDOLENCE MOTION

That Council extend its sincere condolences to the family of Mr. Harold Smythe on his recent passing and write a letter of condolence from Council to the family.

COUNCIL MOTION

Moved: Cr D Wallace
Seconded: Cr K Cook

Meeting closed at 7:43 pm

Confirmed at this meeting 23 OCTOBER 2019

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Cr M Power
Mayor